

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**\* \* \***

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGEL RODRIGUEZ-BELECHE,

Defendant.

2:08-cr-0177-JCM-LRL  
Motion to Dismiss (#18)

**REPORT & RECOMMENDATION**

Before the court is the defendant's Motion to Dismiss Based on Prior Unlawful Deportation (#18). The motion was filed on November 4, 2008. The government's response was due on November 28, 2008. It has not been filed. Nor has the government sought leave to file an untimely response. Failure to file a response constitutes the government's consent to the granting of the motion. LCR 47-9. The Motion to Dismiss (#18) is not frivolous.

**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the undersigned U.S. Magistrate Judge that the Motion to Dismiss Based on Prior Unlawful Deportation (#18) should be granted.

DATED this 24th day of December, 2008.



**LAWRENCE R. LEAVITT  
UNITED STATES MAGISTRATE JUDGE**